

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:11-CR-250-MMD-(CWH)
11 PHILLIP BERRY,)
12 Defendant.)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on November 29, 2012, defendant PHILLIP BERRY pled guilty to Count
15 One of a Five-Count Criminal Indictment charging him with Conspiracy to Manufacture a Controlled
16 Substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1). Criminal
17 Indictment, ECF No. 1.

18 This Court finds defendant PHILLIP BERRY agreed to the forfeiture of the property set forth
19 in Forfeiture Allegations of the Criminal Indictment and the Plea Memorandum. Criminal
20 Indictment, ECF No. 1.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
22 has shown the requisite nexus between property set forth in the Forfeiture Allegations of the
23 Criminal Indictment and agreed to in the Plea Memorandum and the offense to which defendant
24 PHILLIP BERRY pled guilty. Criminal Indictment, ECF No. 1.

25 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
26 924(d)(1), (2)(C), and (3)(B) and Title 28, United States Code, Section 2461(c); Title 21, United

1 States Code, Section 853(a)(1) and (a)(2); and Title 21, United States Code, Section 881(a)(11) and
2 Title 28, United States Code, Section 2461(c):

- 3 a. \$1,000 in United States Currency;
- 4 b. a Ruger, model P95, 9mm handgun, bearing serial number 315-35753;
- 5 c. any and all ammunition ("property").

6 This Court finds the United States of America is now entitled to, and should, reduce the
7 aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
9 United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
11 PHILLIP BERRY in the aforementioned property is forfeited and is vested in the United States of
12 America and shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
14 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
15 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
16 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
17 the name and contact information for the government attorney to be served with the petition,
18 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
20 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
22 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
23 following address at the time of filing:

24 ...

25 ...

26 ...

Michael Humphreys
Assistant United States Attorney
Daniel D. Hollingsworth
Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

DATED this 29 day of November, 2012.


UNITED STATES DISTRICT JUDGE